



BINNALL
LAW GROUP

P: 703-888-1943 • F: 703-888-1930
717 King Street, Suite 200 • Alexandria, VA 22314

Jason Greaves
PARTNER

D: 571-467-0003
E: jason@binnall.com

November 10, 2023

VIA ECF

The Honorable Arun Subramanian
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 15A
New York, NY 10007-1312

RE: Unopposed Letter Motion for Extension of Time to File Responses to Summary Judgment and *Daubert* Motions in *Flynn et al. v. Cable News Network, Inc.*, No. 1:21-cv-02587-AS-SLC

Dear Judge Subramanian:

I represent Plaintiffs John Flynn and Leslie Flynn in the above-referenced action. With Defendant's consent, I write to request that the deadlines in this matter for responses to summary judgment and Daubert motions be extended.

On October 27, 2023, Defendant filed its motion for summary judgment and motions to exclude experts. Currently, per this Court's prior order (ECF No. 170), Plaintiffs' responses in opposition to these motions are due on November 24, 2023, and Defendant's replies, if any, are due on December 8, 2023. Plaintiffs request, with Defendant's consent, that Plaintiffs' due date to respond to Defendant's motion for summary judgment, as well as to both of Defendant's motions to exclude experts, be extended to December 20, 2023. Plaintiffs further request that Defendant's deadline to file replies in support of its motions be extended to January 28, 2024.

There is good cause for this letter. As the Court is aware, Plaintiffs' former counsel suffered a medical emergency requiring him to withdraw from this matter. Since this time, a Virginia court has appointed a receiver to manage Mr. Biss' files. Unfortunately, this has not been a simple process. After Mr. Biss' emergency, but before the appointment of the receiver, Mr. Biss' office was broken into and ransacked by an unknown individual. Mr. Biss' files are now no longer in order and are potentially missing. Further, Mr. Biss' laptop, with all client files, is also missing, being taken by an unknown person. As such, undersigned counsel is still rebuilding the client file for this matter. The receiver is working tirelessly to gather the client documents and his next update is due to the Virginia courts on December 7, 2023. Amending deadlines within a scheduling order is proper for good cause shown. Fed. R. Civ. P. 16(b)(4).

Further, granting this motion would not cause any prejudice. Defendant does not oppose this motion.

Accordingly, Plaintiffs request an extension to file their responses in opposition to Defendant's motion for summary judgment (ECF No. 178), and Defendant's motions to exclude experts (ECF Nos. 185, 187) to December 20, 2023. Plaintiffs further request that the Court extend Defendant's time to file replies in support of these motions, if any, to January 28, 2024.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: November 13, 2023

Respectfully submitted,

/s/ Jason Greaves

Jason Greaves (admitted *pro hac*
vice)

Jared J. Roberts (admitted *pro hac*
vice)

Binnall Law Group, PLLC

717 King Street, Suite 200

Alexandria, VA 22314

Telephone: (703) 888-1943

jason@binnall.com

jared@binnall.com

*Counsel for John Flynn and Leslie
Flynn*

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2023, a true and correct copy of the foregoing was served via CM/ECF on all counsel of record.

/s/ Jason Greaves

Jason C. Greaves